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SUBJECT: Uzbekistan: Update on Trial of Journalist Dilmurod Sayid

REF: TASHKENT 1481

11. (SBU) Summary: The Regional Samarkand Court on September 11 upheld the 12.5 year sentence of independent journalist and human rights activist Dilmurod Sayid on charges of extortion and bribery. (See reftel.) Sayid's attorney will appeal this decision to the Chairman of the Regional Court, and then to the Supreme Court, if necessary. Sayyid's wife met with poloff to discuss his situation, reporting that both his health and mental state are deteriorating, and that amnesty is unlikely. End summary.

Procedural Status

12. (SBU) The latest hearing was relatively uneventful, and while the Court pronounced its judgment from the bench, it did not produce a written decision. A written decision is required before the case can be appealed, and the Court has twice told Sayid's attorney to come back at a later time for the decision, but it has not been issued as yet. Sayid's attorney, Rukhiddin Kamilov, will proceed with an appeal to the Chairman of the Regional Court as soon as the written decision is released. From there, the case will go to the Supreme Court.

Sayid's Condition

13. (SBU) On September 15, 2009, Sayid's wife, Barno Djumanova, met with poloff to discuss the case. She explained that she was allowed to meet with Sayid (for a small fee) for about three minutes following the hearing. During that meeting, Sayyid told her that his health is getting worse, and that he does not expect to go free or to live to see the end of his sentence.

14. (SBU) Djumanova is very concerned for Sayyid's health, noting that she paid prison guards to pass some medicine to him, but they did not deliver it. She stated that while guards have not beaten Sayyid, they sometimes deprive him of food, and the damp basement facility in which he is kept aggravates his hepatitis. She described Sayyid asking for her forgiveness for any wrongs he had done, and stated that she believes that Sayyid is starting to say his goodbyes.

Irregularities

15. (SBU) At least theoretically, Sayid could be eligible to apply for amnesty even before his appeal is completed. But Djumanova said that detention guards have already filed complaints against him for violating internal rules, such as fighting with another inmate, which will prevent him from being eligible. Similar steps have been taken against the other defendants in the case as well, with one receiving a written reprimand for napping during the day, and another for talking through the window of his cell. Apparently two written reprimands result in ineligibility for amnesty.

16. (SBU) Djumanova firmly believes that the national security service is behind this case. She recounted a meeting in which the family members of the defendants met with the judge, Mirmud Hamedov, who presided over the initial trial. When asked how he could convict these innocent people, the judge reportedly said that he was pressured by the NSS, and that the case wasn't up to him. Djumanova, seemingly without animosity, called the judge a "puppet" in the case.

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17. (SBU) Djumanova also reported some harassment, stating that recently someone from the NSS came to her house and alleged that her husband was receiving funding from foreign governments. She also has been unable to find employment, stating that as soon as she submits her personal data, it is returned to her. It wasn't clear whether she believed this was NSS-directed, or simply because people fear the hassles that could come along with hiring her.

18. (SBU) Comment: Appeals will go forward on this case until all manner of review is exhausted, but there is little basis to believe a reversal is likely. Diplomatic missions and internet press continue to urge the government to step in to ensure that due process requirements are being met, but as yet, the GOU has made no official statement on the case. This case will be a priority one to raise under the "human dimension" portion of the bilateral consultation process being established between the USG and the GOU.

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